IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

VAN BAILEY, : No. 4:22cv1891

Plaintiff : (Judge Munley)

. (Juage Mainey)

day of August 2024, before the court for

v. : (Magistrate Judge Carlson)

:

KEVIN KAUFFMAN, et al., :

AND NOW, to wit, this

Defendants

ORDER

disposition is Magistrate Judge Martin C. Carlson's report and recommendation (Doc. 258) which proposes granting the defendants' motion for summary judgment and dismissing this case for failure to prosecute. No objections to the report and recommendation have been filed, and the time for such filing has passed. Therefore, in deciding whether to adopt the report and recommendation, the court must determine if a review of the record evidences plain error or manifest injustice. FED. R. CIV. P. 72(b) 1983 Advisory Committee Notes ("When

no timely objection is filed, the court need only satisfy itself that there is no clear

error on the face of the record to accept the recommendation"); see also 28

U.S.C. § 636(b)(1); Sullivan v. Cuyler, 723 F.2d 1077, 1085 (3d Cir. 1983).

After a careful review, the court finds neither a clear error on the face of the record nor a manifest injustice, and therefore, the report and recommendation shall be adopted. It is hereby **ORDERED** as follows:

- 1) The magistrate judge's report and recommendation (Doc. 258) is **ADOPTED**;
- 2) The defendants' motion for summary judgment (Doc. 253) is **GRANTED**;
- 3) This case is **DISMISSED** with prejudice for failure to prosecute; and

4) The Clerk of Court is directed to close this case.

BY THE COURT:

JUDGE JULIA K. MUNLEY United States District Court